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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/075,885	05/11/1998	TOSHIYUKI MATSUMOTO	1232-4442	4196

7590 06/06/2002

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EXAMINER

TILLERY, RASHAWN N

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/06/2002

2

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/075,885

Applicant(s)

MATSUMOTO ET AL.

Examiner

Rashawn N Tillery

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 May 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10, 15-23 and 25-30 is/are allowed.
- 6) ☒ Claim(s) 1, 11 and 24 is/are rejected.
- 7) ☒ Claim(s) 2-5, 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al (US5442453) in view of Maruyama et al (US5323203).

Regarding claim 1, Takagi discloses, in figures 7 and 8, an image sensing apparatus (500) having a lens (28) for forming an image of a subject, a monitor (17) in which direction of a display can be changed relative to a direction in which light from the subject impinges upon the lens, and a photography assist mechanism (32- telephoto and wide angle switch) for adjusting photographic conditions (zoom), wherein at the time of self-photography, in which the direction in which light impinges upon the lens and the display direction of the monitor agree, the photography assist mechanism is capable of performing control different from that of other, ordinary photography.

While Takagi does reveal the use of a telephoto and wide angle switch, it is not expressly disclosed whether or not this "photography assist mechanism" automatically adjusts according to a given mode- self-photography or ordinary photography.

Art Unit: 2612

However, it is inherent that in a self-photography mode that the camera and the object to be photographed are at a closer distance than in an ordinary photography mode.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to perform automatic zoom based upon the measured distance between the object and the camera, as taught by Maruyama (see col. 6, lines 9-33).

Consequently allowing the camera to automatically switch to a wide angle limit when in self-photography mode and a telephoto otherwise.

Regarding claim 11, see claim 1 above.

2. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al in view of Kawasaki et al (US5363165).

Regarding claim 24, Takagi discloses, in figures 7 and 8, an image sensing apparatus having an image sensing device for sensing the image of a subject, and a zoom lens for deciding magnification of a sensed image (see col. 7, lines 46-54 where the zooming buttons are discussed), the apparatus comprising:

display means (17) capable of displaying the image sensed by the image sensing means;

moving means (see col. 8, lines 22-25 where the driving circuit is discussed) for moving display direction of the display means to a direction on the side of the subject;

sensing means (see col. 9, lines 36-51 where the inversion detecting switch is discussed) for sensing that the display direction of the image on the display means is being moved to the side of the subject by the moving means.

Takagi does not expressly disclose a memory means for storing the sensed-image magnification controlled by the zoom lens or a means for controlling the zoom lens to the sensed-image magnification. However, Kawasaki reveals that it is well known in the art to detect and store a focal length of a zoom lens and automatically drive the zoom lens to the stored magnification (see figures 9 and 10; also see col. 10, lines 36-63). Kawasaki teaches a power zoom lens in a camera with interchangeable lens. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace Takagi's manual zooming switch with Kawasaki's automatic power zoom lens. It would have been highly desirable to automatically zoom the lens to a frequently used focal length.

***Allowable Subject Matter***

1. Claims 6-10, 15-23 and 25-30 are allowed.

The prior art does not teach or fairly suggest an image sensing apparatus having a zoom lens and a focusing lens comprising display means, moving means, sensing means and control means wherein

the control means is capable of performing control, of zoom and focus, differently in a self-photography mode and an ordinary photography mode.

Claims 2-5 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2612

The prior art does not teach or fairly suggest an image sensing apparatus having a zoom lens and a focusing lens comprising display means, moving means, sensing means and control means wherein

the control means is capable of performing control, of zoom and focus, differently in a self-photography mode and an ordinary photography mode.


Art Unit: 2612

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

RNT  
May 18, 2002

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600